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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/088,591

07/29/2002

Michael Wollitzer

2134-022

6844

22429

7590

04/06/2005

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EXAMINER

NGUYEN, TUNG X

ART UNIT

PAPER NUMBER

2829

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/088,591		WOLLITZER, MICHAEL	
	Examiner		Art Unit	
	Tung X. Nguyen		2829	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 9-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election of group 1 including claims 1-8 in the reply filed on 5/06/04 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 9-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected group II, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 5/06/04.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Godshalk et al. (u.s.p 5,506,515).

As to claim 1, Godshalk et al. disclose in Figs. 4, 5a-d, a probe for measuring high frequencies comprising: a contact end (118 of figure 4) for contacting planar structures and a co-axial cable end (46 of figure 4) for connection to a co-axial cable (40 of figure 4); a co-planar conductor structure (74 of figure 4) having at least two conductors (70, 72a-b of figure 4) arranged between the contact end (118) and the co-axial cable end (48); a solid dielectric (42 of figure 4) mounting the co-planar conductor

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structure (74, 95 of figure 4); wherein the dielectric being (42) arranged on the at least one side of the co-planar conductor structure (95) in a central section of the probe (42 between 43, and 41 of figure 4) so the dielectric is between and spaced from the co-axial cable end and the contact end; each conductor (70, 72 a-b of figure 4) in the co-planar conductor structure (74) including a portion formed to be individually free in space and resilient in relation to the dielectric (col. 11, lines 30-35); a respective gap (103 of figure 5d) being formed between each pair of conductors (70, 72a-b) in the co-planar conductor structure from the co-axial cable end to the contact end for obtaining a constant characteristic impedance from the co-axial cable end to the contact end (col. 9, lines 1-15).

As to claim 2, Godshalk et al. disclose in Fig. 5d, the respective gap (at the end of cable end) in the region within the dielectric is wider in the region where the conductor structure is mounted on the dielectric than in the portion of the co-planar conductor structure (74, 96 of figure 5d) that is formed to be individually free in space and resilient in relation to the dielectric.

As to claim 3, Godshalk et al. disclose in Figs. 4, 5a-d, the dielectric (42 of figure 4) includes at least one block of quartz.

As to claim 4, Godshalk et al. disclose in Figs. 4, 5a-d, a face of the dielectric (42 of figure 4) includes a metal coating (43 of figure 4) that is electrically connected to the co-planar conductor structure (70, 72a, 72b of figure 4) and has substantially the same shape as the co-planar conductor structure.

As to claim 5, Godshalk et al. disclose in Figs. 4, 5a-d, the dielectric (42 of figure 4) is metallized over its full area on a side (43 of figure 4) thereof remote from a face of the dielectric (42) that contacts the co-planar conductor structure (70, 72a, 72b).

As to claim 8, Godshalk et al. disclose in Figs. 4, 5a-d, the dielectric (42 of figure 4) is on both sides of the co-planar conductor structure.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Godshalk et al. (u.s.p 5,506,515), in view of Roach (u.s.p 5,512,838).

As to claims 6-7, Godshalk et al., disclose in Figs. 4-5, all of the limitations except for a planar circuit arranged at the co-axial cable end. However, Roach disclose in Fig. 1B, a planar circuit (16 of figure 1B) arranged at the co-axial cable end (30 of figure 1B) for amplifying the signal receiving from the tip of probe. Therefore, It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the system of Godshalk, and provide the a planar circuit arranged at he co-axial cable end, as taught by Roach for amplifying the signal receiving from the tip of probe.

As to claim 7, Roach disclose in Fig. 1B, the planar circuit includes at least one active circuit element (32 of figure 1B).

Response to Arguments

7. Applicant's arguments filed on 12/16/03 with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung X. Nguyen whose telephone number is (571) 272-1967. The examiner can normally be reached on 8:30am-5:00pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (571) 272-2034. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TN
3/30/05


VINH NGUYEN
PRIMARY EXAMINER
Au-2829
04/01/05